

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-00748-RJC-DSC

FELIPE PEREZ PEREZ, )  
Plaintiff, )  
v. )  
LEON RODRIGUEZ, Director, United )  
States Citizenship and Immigration )  
Services, )  
Defendant. )  

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ORDER

**THIS MATTER** comes before the Court following the formal mandate of the Fourth Circuit Court of Appeals. (Doc. No. 31.)

On October 28, 2016, Plaintiff filed his Complaint seeking judicial review of the United States Citizenship and Immigration Services' ("USCIS") declination of his application for special immigration juvenile ("SIJ") status. (Doc. No. 1.) On April 4, 2017, Plaintiff filed his motion to set aside USCIS's final action, (Doc. No. 14), and on May 5, 2017, Defendant filed its motion for summary judgment, (Doc. No. 16).

On March 7, 2018, the Court denied Plaintiff's motion to set aside USCIS's final action and granted Defendant's motion for summary judgment. (Doc. No. 21.) Plaintiff appealed, and on January 29, 2019, a three-judge panel affirmed the Court's order by a split decision. Perez v. Cissna, 914 F.3d 846 (4th Cir. 2019). Plaintiff sought rehearing en banc, and a majority of the Fourth Circuit Court of Appeals judges in active service voted to grant Plaintiff's petition. (Doc. No. 28.) On February 10, 2020, the Fourth Circuit Court of Appeals issued its en banc decision reversing

the judgment of this Court and remanding with instructions to grant Plaintiff's motion to set aside USCIS's final action denying him SIJ status. (Doc. No. 29.) The formal mandate was issued on April 3, 2020. (Doc. No. 31.)

**IT IS THEREFORE ORDERED** that Plaintiff's motion to set aside USCIS's final action, (Doc. No. 14), is **GRANTED**. This matter is hereby **REMANDED** to the USCIS for reconsideration of Plaintiff's application for SIJ status.

Signed: April 28, 2020

  
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Robert J. Conrad, Jr.  
United States District Judge  
